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Attorneys for Defendant  
POST-CONFIRMATION TRUST

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	) CIVIL NO. CV03-00385 SOM-LEK
	) (Copyright)
Plaintiff,	)
	) DEFENDANT POST-
vs.	) CONFIRMATION TRUST'S
	) STATEMENT OF CONSULTATION;
HAWAIIAN EXPRESS SERVICE,	) DECLARATION OF LEX R. SMITH;
INC., et al.,	) CERTIFICATE OF SERVICE
	)
Defendants.	) Judge: Magistrate Leslie Kobayashi
	) Trial Date: February 28, 2006

\_\_\_\_\_ ) Judgment Entered: March 9, 2006

DEFENDANT POST-CONFIRMATION TRUST'S  
STATEMENT OF CONSULTATION

Pursuant to Local Rule 54.3(b), Defendant Post-Confirmation Trust hereby submits its statement of Consultation.

On March 23, 2006, Post-Confirmation Trust filed its Motion for Attorney's Fees and Costs. On March 28, 2006, Post-Confirmation Trust's counsel and Plaintiff's counsel met and conferred. Counsel for Post-Confirmation Trust and the Plaintiff attempted, in good faith, to reach an agreement regarding their clients' respective motions for attorneys' fees and costs in accordance with Local Rule 54.3(b). Unfortunately, the parties were

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unable to reach an agreement. *See* the Declaration of Lex R. Smith.

Dated: Honolulu, Hawaii, April 6, 2006.

/s/ **Thomas H. Yee**

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